

REMARKS

The Examiner has rejected claims 1-5 under 35 U.S.C §102(b), based under contention that they are anticipated by PCT publication No. WO 91/02831, published for Glass (Glass '831). The Examiner will note that currently amended claim 1 includes a limitation to the fact that each of the sides has at least one region with a raised, roughened texture integrally molded thereon. In a previous Office Action, the Examiner had indicated that the language "A molded outer layer" did not define a structure that differentiated the present invention from Glass '831. Applicant submits to the Examiner that the current amendment to claim 1 is clearly a structural limitation since it refers to the raised, roughened texture instead of the outer layer *per se*.

Although the Examiner has argued in the past that use of the term "molded" defines a method and not a structure, Applicant submits that one of ordinary skill in the art would clearly understand the structural limitations of such a term. By claiming that the blade surface has a "region with raised, roughened texture integrally molded thereon," Applicant is clearly stating that the outer surface of the blade is formed from a single piece of material having a raised roughened texture. Thus, Applicant submits that the claimed device in the present invention clearly defines structurally over the prior art.

Specifically, in Glass '831, there is clearly no region with raised, roughened texture integrally molded thereon. Applicant strongly believes that a person skilled in the art will recognize the differences between an article having an integrally molded portion and one which does not have such portion. It will be clearly visible on the blade as sold on the market that the raised, roughened texture is integrally molded thereon. Similarly, someone skilled in the art can clearly see that a blade constructed in accordance with Glass '831 does not have a raised, roughened texture integrally molded thereon.

In fact, in Glass '831 specifically teaches away from a device having a roughened surface that is integral molded thereon. Glass '831 is directed to an implement with a roughened area that is attached as a separate layer on the blade surface. Glass '831 teaches a device having a hardened surface for striking, such as a golf club, hockey stick and the like. The hardened surface is formed by immersing the implement or a platen member intended to be affixed to an implement into an electrolytic bath, wherein "granular material like diamond is prepared, such that metal-ions like nickel-ions can be used as carrier [sic] for the diamond grains after an electrical voltage has been applied in the electrolyte [sic], whereupon the diamond grains are deposited on the surface of the implement." (Glass '831, Page 2, lines 18-24).

Thus, Glass '831 specifically describes the hardened surface as a separate and distinct layer than the implement, or the platen to which it is applied, and not an integrally molded roughened surface. The face of the blade "is covered with a wear resistant layer 2 which is composed according to the invention of granular material displaying a great hardness." (Glass '831, Page 2, lines 22-24). This layer is a distinct layer from the blade surface, and therefore can never be "integrally molded thereon," as claimed in Claim 1.

Applicant requests that, given the clear structural language of the present claims, and the obviously lacking disclosure of Glass '831, the Examiner reconsider and withdraw the present rejection of Claims 1-5.

The Examiner has further rejected claims 6-11, 14, 15 and 17-19 under 35 U.S.C §102(e), based on the contention that they are anticipated by US patent No. 6,364,793 issued to Valarik (Valarik '793). Applicant strongly disagrees. Applicant submits to the Examiner that the rejected claims are acceptable at least for the same reasons as stated in the preceding paragraph. Additionally, Valarik '793 does not teach or suggest having, on each side of the blade, at least one

region with a raised, roughened texture integrally molded thereon. Moreover, it does not show that the lateral outer sides have a plurality of spaced-apart cavities, with each cavity embedding an individual shock absorbing element.

The Examiner has argued in the past that the adhesive layer described in Valarik '793, which consists of grains of convenient materials, comprises a plurality of shock-absorbing elements. Although Applicant disagrees with the Examiner's characterization of the adhesive surface in Valarik '793, even if the individual grains (which together form the single adhesive layer (3) of Valarik '793) could rationally be individually divided into their own shock absorbing elements, there is no logical line of thought which could characterize the single recessed area in Valarik '793 as a plurality of spaced-apart cavities, with each cavity having an individual shock-absorbing element embedded therein. Simply stated, Valarik '793 cannot and does not show a plurality of cavities on each lateral outer side, and therefore cannot anticipate the present claims.

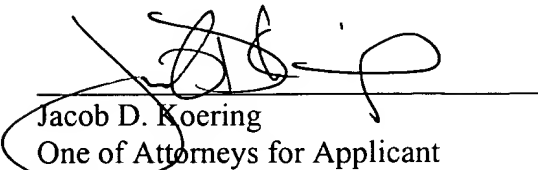
Based on the above, Applicant submits that all of the independent claims in the present application, including Claims 1, 14 and 19, should now be in allowable condition as written. Furthermore, Applicant also submits that the remaining claims in the application, namely Claims 2-13, 15-18, and 22-23, all depend from these claims, and therefore include all of their limitations. Accordingly, reconsideration and passage to allowance of Claims 1-19, and 22-23, along with a timely Notice of Allowance, is respectfully requested.

Should anything further be required, a telephone call to the undersigned, at (312) 226-1818,
is respectfully invited.

Respectfully submitted,

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Dated: August 14, 2003



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